DOCUMENT RESUME

ED 374 058 SO 024 469

AUTHOR	Vigilante, David
TITLE	The Constitution in Crisis: The Red Scare of 1919-1920. A Unit of Study for Grades 9-12.
INSTITUTION	National Center for History in the Schools, Los Angeles, CA.
SPONS AGENCY	National Endowment for the Humanities (NFAH), Washington, D.C.
PUB DATE	91
NOTE	68p.
AVAILABLE FROM	National Center for History in the Schools, University of California, Los Angeles, Moore Hall 231, 405 Hilgard Avenue, Los Angeles, CA 90024-1521.
PUB TYPE	Guides - Classroom Use - Teaching Guides (For Teacher) (052)
EDRS PRICE	MF01/PC03 Plus Postage.
DESCRIPTORS	*Communism; Democracy; Ethnocentrism; *Freedom of Speech; Government (Administrative Body); *Government Role; High Schools; *History Instruction; Immigrants; *Political Affiliation; Political Socialization; Primary Sources; *Secondary School Curriculum; Social Discrimination; *United States History
IDENTIFIERS	Bill of Rights; First Amendment; Goldman (Emma); Labor Union Militancy; *Red Scare

ABSTRACT

This unit is one of a series that represents specific moments in history from which students focus on the meanings of landmark events. Continuing narrative provides context for the dramatic moment. By studying a crucial turning-point in history, students become aware that choices had to be made by real human beings, that those decisions were the result of specific factors, and that they set in motion a series of historical consequences. The lessons are based on primary sources, taken from documents, artifacts, journals, diaries, newspapers, and literature from the period under study. By analyzing primary sources, students will learn how to analyze evidence, establish a valid interpretation, and construct a coherent narrative in which all the relevant factors play a part. This unit is designed to help students recognize that the guarantees of the Bill of Rights are fragile and must be secured by a commitment to principles. When exaggerated fears of political, racial, or ethnic groups are encouraged, the basic freedoms of Americans can be lost. By studying the anticommunist hysteria of 1919-20 students come to understand the historical context in which the "Red Scare" occurred, evaluate the impact of the wartime Espionage Act and Sedition Act on free speech guaranteed in the First Amendment, explain related U.S. Supreme Court decisions, recognize the importance of dissent in a free society, analyze the impact of fear on society, and recognize the long range impact of policy decisions on internal affairs. This unit contains teacher background materials, lesson plans, and student resources and handouts. (DK)

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THE CONSTITUTION IN CRISIS: THE RED SCARE OF 1919-1920

A UNIT OF STUDY FOR GRADES 9 - 12

By David Vigilante
Teacher Associate, NCHS

San Diego Union, May 18, 1912.

NATIONAL CENTER FOR HISTORY IN THE SCHOOLS
A Cooperative Research Program of the
University of California, Los Angeles,
and the National Endowment for the Humanities

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NATIONAL CENTER FOR HISTORY IN THE SCHOOLS

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ACKNOWLEDGMENTS

In addition to the contributions of author David Vigilante, Supervising Historian Gary B. Nash, Unit Editor Tom Ingersoll, and Project Director Linda Symcox, the Center also acknowledges the important contributions of the following to this teaching unit: contributions of Margaret McMillen for photo research and copy-editing; Alexey Root for copy-editing; Leticia Zermeno for copyright-research activities. Special appreciation is due to Brenda Thomas who created the desktop layouts and unit designs, and brought the publication to final completion.

We gratefully recognize Gompers Secondary School and the San Diego Unified School District for supporting Teacher Associate David Vigilante's participation in the Center's 1988-89 U.S. History Institutes in which this unit was developed. Recognition is also given to all the Teacher Associates of this Institute who reviewed, offered professional guidance, and assisted in field testing of the unit.

Finally, we acknowledge the continuing contributions of the National Endowment for the Humanities which established the National Center for History in the Schools in March 1988 and has generously supported this activity.

For information on additional teaching units and other resources from the Center, please write:

National Center for History in the Schools
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APPROACH AND RATIONALE

By Linda Symcox

The National Center for History in the Schools has developed the following collection of lessons for teaching **The Red Scare**. Our units are the fruit of a year-long collaboration between history professors and experienced teachers of both United States and World History. They represent specific "**dramatic moments**" in history from which you and your students can pause to delve into the deeper meanings of selected landmark events and explore their wider context in the great historical narrative.

In our approach, the continuing narrative provides the context in which the dramatic moment is situated. By studying a crucial turning-point in history, the student becomes aware that choices had to be made by real human beings, that those decisions were the result of specific factors, and that they set in motion a series of historical consequences. We have selected dramatic moments that best bring alive that decision-making process. We hope that through this approach, your students will realize that history is an ongoing, open-ended process, and that the decisions they make today create the conditions of tomorrow's history.

Our dramatic moments are based on **primary sources**, taken from documents, artifacts, journals, diaries, newspapers and literature from the period under study. As you know, a primary source is a **first-hand** account of any event in history. For example, the telecast or the script of a speech would be a primary source. A secondary source is a **second-hand** account of an event. This would be, for example, the newspaper account of the speech the next day or a newscaster's report about the speech. All historical accounts, such as textbooks, are by their very nature secondary sources. What we hope to achieve

using primary source documents in these lessons is to remove the distance that students feel from historical events and to connect them more intimately with the past. In this way we hope to re-create for your students a sense of "being there," a sense of seeing history through the eyes of the very people who were making decisions. This will help your students develop historical empathy, to realize that history is not an impersonal process divorced from real people like themselves. At the same time, by analyzing primary sources, students will actually practice the historian's craft, discovering for themselves how to analyze evidence, establish a valid interpretation and construct a coherent narrative in which all the relevant factors play a part.

CONTENT AND ORGANIZATION

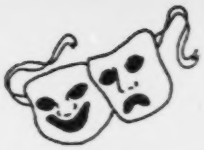
Within this unit, you will find: 1) **Teacher Background Materials** and 2) **Lesson Plans** with **Student Resources**. This unit, as we have said above, focuses on certain key moments in time and should be used as a supplement to your customary course materials. We have chosen to pitch the various lessons on different grade levels and they can usually be adapted to a slightly higher or lower level.

The **Teacher Background** section should provide you with a good overview of the entire unit and with the historical information and context necessary to link the specific **Dramatic Moment** to the larger historical narrative. You may consult it for your own use, and you may choose to share it with students if they are of a sufficient grade level to understand the materials.

The **Lesson Plans** include a variety of ideas and approaches for the teacher which can be elaborated upon or cut as you see the need. These lesson plans contain

student resources which accompany each lesson. These resources consist of primary source documents, any handouts or student background materials, and in many cases, a bibliography for the unit.

In our series of teaching units, each collection can be taught in several ways. You can teach all of the lessons offered on any given topic, or you can select and adapt the ones that best support your particular course needs. We have not attempted to be comprehensive or prescriptive in our offerings, but rather to give you an array of enticing possibilities for in-depth study, at varying grade levels. We hope that you will find the lesson plans exciting and stimulating for your classes. We also hope that your students will never again see history as a boring sweep of inevitable facts and meaningless dates but rather as an endless treasure of real life stories, and an exercise in analysis and reconstruction, rather than rote memorization.



"THE SOVIET ARK"
(Primary Source)

On December 21, 1919, the Buford set sail from New York carrying 249 people deported to Russia by the United States government, the first large deportation in American history. Hundreds more were deported in the following weeks. The group on the "Soviet Ark," as it was called, included two long-term federal prisoners named Emma Goldman and Alexander Berkman, anarchists convicted of opposing the federal draft of soldiers during World War I, who were dubbed by the press as the "Red Queen" and "Red King." Most of the remainder of the Buford group were guilty of no crime, but adhered to ideas regarded by national leaders as dangerous. Attorney General A. Mitchell Palmer justified this action by explaining that...

> ***"Like a prairie-fire, the blaze of revolution was sweeping over every American institution of law and order.... It was eating its way into the homes of the American workman, its sharp tongues of revolutionary heat were licking the altars of the churches, leaping into the belfry of the school bell, crawling into the sacred corners of American homes, seeking to replace marriage vows with libertine laws, burning up the foundations of society."***

A. Mitchell Palmer. Forum, LXIII: 174.

Emma Goldman, 1906. Photo #3883, courtesy of Chicago Historical Society.

I. UNIT OVERVIEW AND RATIONALE

The anticommunist hysteria of 1919-1920 capped a decade during which the American people had experienced the most unsettling changes since the 1860s. Recent immigrants from southern and eastern Europe had filled to overflowing ethnic neighborhoods in American cities. At the same time, millions of rural whites and African Americans migrated from the Jim Crow South to northern cities. Throughout the country, reform politics from Progressivism to Socialism became highly organized, and political views were more forcefully debated than usual. These trends were brought together by World War I. During and after the war, the federal government and other agencies attacked supposed American enemies of the nation and many native-born citizens led local witch-hunts against anyone not, in their opinion, "100 percent American."

This unit is designed to instill in the student the recognition that the guarantees of the Bill of Rights are fragile and must be secured by a commitment to principles. When exaggerated fears of political, racial, or ethnic groups are encouraged, the basic freedoms of Americans can be lost.

II. UNIT CONTEXT

The lesson may be introduced as either an immediate follow-up to the study of World War I or as a culminating study of the radical labor movement of the early twentieth century. It offers a good prelude to the study of restrictive immigration laws of the post-war period. The lessons focus on the fragile nature of the Bill of Rights and the dangers which result from unreasoned response to real or imagined threats to national interests. The lesson could be tied to an earlier study of the Alien and Sedition

Acts of 1798 and as a bridge to later readings on the McCarthy era in the 1950s.

III. UNIT OBJECTIVES

1. To understand the historical context in which the "Red Scare" occurred.

2. To evaluate the impact of the wartime Espionage and Sedition acts on free speech guarantees of the First Amendment.

3. To explain the Supreme Court's decision in the *Schenck, Abrams,* and *Gitlow* cases.

4. To recognize the importance of dissent in a free society.

5. To analyze the impact of fear on society.

6. To recognize the long-range impact of policy decisions on internal affairs.

IV. INTRODUCTION TO THE CONSTITUTION IN CRISIS: THE RED SCARE OF 1919-1920

The debate among Americans about what their national policy toward war-torn Europe should be after 1914 was passionate. This was partly because the nation had never taken part in a European war and the majority of voters did not wish to become involved. Another source of passion was the fact that many ethnic and political groups advocated, for their own specific reasons, policies favorable to one European coalition or the other, and were opposed to President Wilson's official and traditional policy of neutrality. In the national election of 1916, both major parties tried to convince voters that they would keep the country out of war and to intimidate those who were not "100 percent American."

When President Wilson led the country into war in 1917, he inspired Americans with his cause to establish democracy and national self-determination throughout the world, but the underside of this quest was a campaign against dissidents who took issue with the government's policies. The administration especially exerted pressure on American socialists after the Bolsheviks seized control of the Russian Revolution at the end of 1917. The Bolsheviks consolidated their power by signing a separate peace treaty with the Germans. American leaders regarded this move by their former ally as a betrayal and hence looked upon all American socialists with greater suspicion than ever.

Wartime mobilization had provided an escape for thousands of African American workers wishing to leave the segregated South. Southern blacks undertook a great migration to northern industrial cities to work in railroad yards, shipyards, packing houses, steel mills and coal mines. Conditions worsened when American soldiers

returned home after the war to find that no provisions existed for reintegrating them into the workforce. At the same time, unions raised demands to secure better conditions for workers including an eight hour work day, and struck when opposed by employers. Unemployment and inflation also contributed to riots staged by white working men against blacks in numerous cities. By the beginning of 1919, moreover, the country began to be alarmed by a number of mysterious bombings, most of which were never tied to any specific culprits.

During 1919 over four million workers took part in 4,000 strikes. Dramatic events followed closely upon one another. In reaction to news that police had discovered a number of mail bombs, police and others in many towns mobbed socialists' May Day parades. In July, the worst race riot of the year broke out in Chicago, after a black youth swimming at a segregrated white beach was hit by a rock and drowned. In the days that followed, thirty-eight people died; fifteen whites and twenty-three blacks. Over five-hundred others were injured. In September, it was Boston's turn to experience chaos when the unionized police struck: an army of National Guardsmen and citizens seized control, denounced the union as communist, and hired a non-union police force. On September 22, hundreds of thousands of steel workers struck, and Gary, Indiana was besieged by the U. S. Army. On November 1, 400,000 coal miners began a long strike.

Throughout the rising crisis, President Wilson devoted himself to foreign affairs and gave broad authority to Attorney General A. Mitchell Palmer to silence political dissidents. The President was laid low by cerebral thrombosis on October 2. Palmer hoped to be the Democratic party's nominee for the presidency in 1920. Thus, throughout much of 1919 he resisted political presssure to take extreme measures against dissidents which might

cost him votes. He organized the General Intelligence Division (GDI), later the FBI, a special antiradical division within the Justice Department, and put a young man named J. Edgar Hoover in charge. Only when he was sure that he had a mandate from the president and many interest groups did he conduct an all-out attack on various radical organizations. Between November, 1919, and March, 1920, the police arrested thousands of people around the country and the government deported over 800 dissidents to Russia. Concurrently, local civic organizations purged governments, schools, and church organizations of all those who were, in their opinion, too radical. The Palmer raids constituted the most massive assault on civil liberties in twentieth-century American history.

Palmer's Justice Department tried to continue the witch-hunt, but the public became skeptical and Palmer earned little credit by his raids. When a huge bomb exploded in Wall Street on September 20, 1919, the public was not aroused by the claims of the Justice Department that it was the work of a nationwide plot by radicals. The residual hysteria of some people persisted in the nativist, anti-Catholic, and anti-black movements in the 1920's.

V. LESSON PLANS

1. **The Law**

2. **The Case Against the Reds**

3. **The Courage of Their Convictions**

LESSON ONE

THE LAW

A. Objectives

1. To evaluate the impact of the Espionage and Sedition Acts on free speech guarantees of the First Amendment.

2. To understand the limitations placed on free speech by the circumstances of the day.

3. To be able to explain Justice Holmes' reasoning in the *Schenck* case.

4. To evaluate Justice Holmes' views of free speech and expression through his dissent in the *Abrams* and *Gitlow* cases.

B. Lesson Activities

1. Hand out **DOCUMENTS A** through **F.**

2. Divide the class into six collaborative learning groups and assign each group the corresponding primary source reading. Give each group a focus question (or questions). Encourage the groups to go beyond the assigned focus question(s). Each group should select a recorder and report their responses to the questions raised in the group.

   Questions are based on the documents and text or supplementary readings. Suggestions are made for possible answers.

Group Focus Questions

Group 1 (Document A):

What do you consider the major aspects of the Espionage Act from this excerpt?

a. Students should note the crimes listed in the act and the punishment for espionage;

b. Point out the increased power granted the federal government by the act;

c. Note that the act strictly restricts the use of search warrants;

d. Some attention should also be given to the use of the mails for "illegal purposes."

Was the Espionage Act a violation of liberties guaranteed in the Constitution and Bill of Rights? Why or why not?

a. Most students will probably respond that it was in violation of Constitutional guarantees. Reasons may vary but must include reference to the First Amendment.

b. A good response would also refer to the Fourth, Fifth, Sixth, and Eighth Amendments.

c. Those who may argue that it was not a violation of the Constitution may indicate that the guarantees of the Bill of Rights are not absolute. They should refer to the Supreme Court's decisions regarding the constitutionality of this act.

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Group 2 (Document B):

What do you consider the major aspects of the Sedition Act?

a. Students should note the number of offenses enumerated as violations of the Sedition Act and the punishments accorded to these offenses.

Was the Sedition Act a violation of liberties guaranteed in the Constitution and Bill of Rights? Why or why not?

a. Most students will probably respond that it was in violation of Constitutional guarantees. Reasons may vary but must include reference to the First Amendment. A good response would also refer to the Fourth, Fifth, Sixth, and Eighth Amendments.

b. Those who may argue that it was not a violation of the Constitution may indicate that the guarantees of the Bill of Rights are not absolute. They should refer to the Supreme Court's decisions regarding the constitutionality of this act.

Group 3 (Document C):

How did the Supreme Court respond in the *Schenck* case?

a. Students should note the special circumstances under which the case was heard and cite Justice Holmes' "clear and present danger" argument in the *Schenck* case.

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Group 4 (Document D):

What was the purpose of the leaflets?

a. The leaflets were designed to arouse the public to oppose the American Expeditionary Force's intervention in Russia.

Were Abrams and his associates protected by the First Amendment guarantee of free speech?

a. Most students will probably argue that Abrams did have the right to express his views even though they were contrary to the wartime policy of the United States.

b. Students who may disagree should indicate that free speech is not an absolute guarantee and may be limited by circumstances; in this case U.S. involvement in World War I.

Group 5 (Document E):

What was the basis of Justice Clark's opinion in the *Abrams* case?

a. Justice Clark expressed the view that Abrams' actions were designed to hurt the war effort.

On what did Justice Holmes base his dissent?

a. Justice Holmes argued the importance of dissent and challenged the view that Abrams' actions were injurious to the security or defense of the nation.

Which of the two arguments seem to be most reasonable? Explain your opinion.

a. Answers may vary, although most students will probably agree with Justice Holmes.

b. Students should cite reasons for their opinions and support them by reference to the document.

Group 6 (Document F):

What was the basis of Justice Stanford's opinion in the *Gitlow* case?

a. Justice Stanford noted that the First Amendment did not provide absolute rights to freedom of speech or the press.

b. He noted that the state has the obligation to protect itself from unlawful means to overthrow it and that the state need not wait until violence is apparent before taking action.

On what did Justice Holmes base his dissent?

a. Justice Holmes argued that the state does not have the right to limit ideas.

b. He argued that the nature of the document Gitlow printed and circulated could not have incited violence because it lacked the eloquence that could have made the document inflammatory.

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C. Suggested Follow-Up Questions for General Class Discussion

1. Why were the Espionage Act and Sedition Act of 1917 and 1918 passed? (Answers should include the administration's attempts to secure support for the war through the establishment of the Creel Commission and the limitation of the rights of dissenters in an attempt to provide a united home front.)

2. Taken within the context of the entry by Americans into the war, could the government have anticipated similar opposition to the Espionage and Sedition Acts? (Answers will vary. Most students will probably respond that the Administration should have expected opposition to these acts. Students may argue that limitations on basic rights were believed to have been warranted as a necessary measure during wartime.)

3. How can you account for Justice Holmes' decision in the *Schenck* case and his dissenting opinions in the *Abrams* and *Gitlow* cases? (In the *Schenck* case Holmes based his decision on the circumstances of war and "clear and present danger." In the *Abrams* case he did not consider the leaflets to be a threat to the security of the government and held them to be a legitimate expression of opinion guaranteed by the First Amendment. His opinion in the *Gitlow* case hinged on the issue of incitement; he questioned how the document could have aroused anyone to revolution; therefore, he held it to be within the confines of the First Amendment guarantee to freedom of speech.)

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LEARNING GROUP I:
ESPIONAGE ACT
(Primary Source)

On June 15, 1917, less than ten weeks after the official United States entry into the war, Congress passed the Espionage Act.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

TITLE I
ESPIONAGE

SECTION 1. That (a) whoever, for the purpose of obtaining information respecting the national defense with intent or reason to believe that the information to be obtained is to be used to the injury of the United States, or to the advantage of any foreign nation...or (b) whoever for the purpose aforesaid, and with like intent or reason to believe, copies, takes, makes, obtains...anything connected with the national defense; or (c) whoever for the purpose aforesaid receives or obtains...any document...knowing or having reason to believe, at the time he receives...it, that it has been...taken by any person contrary to the provisions of this title; or (d) whoever, lawfully or unlawfully having possession of...any document...relating to the national defense, willfully communicates or transmits or attempts to communicate or transmit the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer...of the United States entitled to receive it; or (e) whoever, being intrusted with or having lawful possession...of any document...relating to the national defense, through gross negligence permits the same to be removed from its proper place or custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than two years, or both.

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SEC. 2. (a) Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to, or aids or induces another to, communicate, deliver, or transmit, to any foreign government...any document...or information relating to the national defense, shall be punished by imprisonment for not more than twenty years: *Provided*, That whoever shall violate the provisions of subsection (a) of this section in time of war shall be punished by death or by imprisonment for not more than thirty years; and (b) whoever, in time of war, with intent that the same shall be communicated to the enemy, shall collect, record, publish, or communicate, or attempt to elicit, any information with respect to the movement, numbers, description, condition, or disposition of any of the armed forces, ships, aircraft, or war materials of the United States...or any other information relating to the public defense, which might be useful to the enemy, shall be punished by death or by imprisonment for not more than thirty years.

SEC. 3. Whoever, when the United States is at war, shall willfully make or convey false reports...with intent to interfere with the operation or success of the military...of the United States, or to promote the success of its enemies and whoever, when the United States is at war, shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service of the United States, to the injury of the service or of the United States, shall be punished by a fine of not more than $10,000 or imprisonment for not more than twenty years, or both.

SEC. 5. Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe or suspect, has committed, or is about to commit, an offense under this title shall be punished by a fine or not more than $10,000 or by imprisonment for not more than two years, or both.

SEC. 6. The President in time of war or in case of national emergency may by proclamation designate any place...in which anything for the use of the Army or Navy is being prepared...as a prohibited place for

the purpose of this title: *Provided* , That he shall determine that information with respect thereto would be prejudicial to the national defense.

TITLE XI.
SEARCH WARRANTS.

SECTION 1. A search warrant authorized by this title may be issued by a judge of a United States district court, or by a judge of a State or Territorial court of record, or by a United States commissioner for the district wherein the property sought is located...

SEC. 3. A search warrant can not be issued but upon probable cause, supported by affidavit, naming or describing the person and particularly describing the property and the place to be searched.

SEC. 4. The judge or commissioner must, before issuing the warrant, examine on oath the complainant and any witness he may produce and require their affidavits...in writing....

SEC. 5. The affidavits or dispositions must set forth the facts tending to establish the grounds of the application or probable cause for believing that they exist...

SEC. 8. The officer may break open any outer or inner door or window of a house, or any part of a house, or anything therein, to execute the warrant, if, after notice of his authority and purpose, he is refused admittance...

SEC. 18. Whoever shall knowingly and willfully obstruct, resist, or oppose any such officer or person in serving or attempting to serve or execute any such search warrant, or shall assault...any such officer or person, knowing him to be an officer or person so authorized, shall be fined not more than $1,000 or imprisoned not more than two years...

SEC. 21. An officer who in executing a search warrant willfully exceeds his authority, or exercises it with unnecessary severity, shall be fined not more than $1,000 or imprisoned not more than one year.

Title XII.
USE OF MAILS.

SECTION 1. Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter, or thing, of any kind, in violation of any of the provisions of this Act is hereby declared to be nonmailable matter and shall not be conveyed in the mails...*Provided*, That nothing in this Act shall be so construed as to authorize any person other than an employe of the Dead Letter Office...or other person upon a search warrant authorized by law, to open any letter not addressed to himself...

SEC. 3. Whoever shall use or attempt to use the mails or Postal Service of the United States for the transmission of any matter declared by this title to be nonmailable, shall be fined not more than $5,000 or imprisoned not more than five years, or both....

LEARNING GROUP II:
THE SEDITION ACT
(Primary Source)

The Sedition Act, proposed as an amendment to the Espionage Act, was enacted into law on May 16, 1918.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section three of title one of the Act entitled 'An Act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes,' approved June fifteenth, nineteen hundred and seventeen, be, and the same is hereby, amended so as to read as follows:

SEC. D. Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States, or to promote the success of its enemies, or shall willfully make or convey false reports or false statements, or say or do anything except by way of bona fide and not disloyal advice to an investor or investors, with intent to obstruct the sale by the United States of bonds or other securities of the United States or the making of loans by or to the United States, and whoever when the United States is at war, shall willfully cause or attempt to cause, or incite or attempt to incite, insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or shall willfully obstruct or attempt to obstruct the recruiting or enlistment service of the United States, and whoever, when the United States is at war, shall willfully utter, print write, or publish any disloyal, profane, scurrilous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States, or any language intended to bring the form of government of the United States into contempt, scorn, contumely, or disrepute, or shall willfully utter, print, write,

or publish any language intended to incite, provoke, or encourage resistance to the United States, or to promote the cause of its enemies, or shall willfully display the flag of any foreign enemy, or shall willfully by utterance, writing, printing, publication, or language spoken, urge, incite, or advocate any curtailment of production in this country of any thing or things, product or products, necessary or essential to the prosecution of the war in which the United States may be engaged with intent by such curtailment to cripple or hinder the United States in the prosecution of the war, and whoever shall willfully advocate, teach, defend, or suggest the doing of any of the acts or things in this section enumerated, and whoever shall by word or act support or favor the cause of any country with which the United States is at war or by word or act oppose the cause of the United States therein, shall be punished by a fine of not more than $10,000 or imprisonment for not more than twenty years, or both....

Title XII of the said Act of June fifteenth, nineteen hundred and seventeen, be, and the same is hereby, amended by adding thereto the following section:

SEC. 4. When the United States is at war, the Postmaster General may, upon evidence satisfactory to him that any person or concern is using the mails in violation of any of the provisions of this Act, instruct the postmaster at any post office at which mail is received addressed to such person or concern to return to the postmaster at the office at which they were originally mailed all letters or other matter so addressed, with the words 'Mail to this address undeliverable under Espionage Act' plainly written or stamped upon the outside thereof, and all such letters or other matter so returned to such postmasters shall be by them returned to the senders thereof under such regulations as the Postmaster General may prescribe.

LEARNING GROUP III:
SCHENCK V. UNITED STATES
(Primary Source)

The *Schenck* case tested the constitutionality of the 1917 Espionage Act. In the case the defendants argued that the act violated their First Amendment right of free speech. The defendants, using the mails to send circulars to men who were subject to be drafted into the armed forces, argued that the conscription act was unconstitutional and urged draftees to assert their rights and resist conscription. Justice Holmes delivered the opinion of a unanimous Court:

> ***"...We admit that in many places and in ordinary times the defendants in saying all that was said in the circular would have been within their constitutional rights. But the character of every act depends upon the circumstances in which it is done. The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic. It does not even protect a man from an injunction against uttering words that may have all the effect of force. The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree. When a nation is at war many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured so long as men fight and that no Court could regard them as protected by any constitutional right. It seems to be admitted that if an actual obstruction of the recruiting service were proved, liability for words that produced that effect might be enforced. The statute of 1917 in sec. 4 punishes conspiracies to obstruct as well as actual obstruction. If the act, (speaking, or circulating a paper,) its tendency and the intent with which it is done are the same, we perceive no ground for saying that success alone warrants making the act a crime..."***

249 U.S. 47 [1919] as cited in Commanger, Documents of American History, #426.

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LEARNING GROUP IV:
ANTI-GOVERNMENT LEAFLETS
(Primary Source)

Abrams, Lachowsky, Lipman and Steimer were charged under the Sedition Act with agitating against the United States Expeditionary Force sent to Vladivostok and Murmansk in 1918 following the Russian Revolution. On August 23, 1918 Abrams and the co-defendants in the case threw leaflets from a building in New York which attacked the President and United States policy. The leaflet in English stated:

THE HYPOCRISY OF THE
UNITED STATES AND HER ALLIES

"Our" President Wilson, with his beautiful phraseology, has hypnotized the people of America to such an extent that they do not see his hypocrisy.

...You people of America were deceived by the wonderful speeches of the masked President Wilson. His shameful, cowardly silence about the intervention in Russia reveals the hypocrisy of the plutocratic gang in Washington and vicinity.

The President was afraid to announce to the American people the intervention in Russia. He is too much of a coward to come out openly and say: "We capitalist nations cannot afford to have a proletarian republic in Russia." Instead, he uttered beautiful phrases about Russia, which, as you see, he did not mean, and secretly, cowardly, sent troops to crush the Russian Revolution. Do you see how German militarism combined with allied capitalism to crush the Russian Revolution?...

This is not new. The tyrants of the world fight each other until they see a common enemy—WORKING CLASS—ENLIGHTENMENT as soon as they find a common enemy, they combine to crush it.

In 1815 monarchic nations combined under the name of the "Holy

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Alliance" to crush the French Revolution. Now militarism and capitalism combined, though not openly, to crush the russian revolution (sic.)

What have you to say about it?

Will you allow the Russian Revolution to be crushed? You: Yes, we mean you the people of America!

THE RUSSIAN REVOLUTION CALLS TO THE WORKERS OF THE WORLD FOR HELP.

The Russian Revolution cries: WORKERS OF THE WORLD! AWAKE! RISE! PUT DOWN YOUR ENEMY AND MINE!

Yes friends, there is only one enemy of the workers of the world and that is CAPITALISM.

It is a crime, that workers of America, workers of Germany, workers of Japan, etc., to fight the WORKERS' REPUBLIC OF RUSSIA.

AWAKE! AWAKE, YOU
WORKERS OF THE WORLD!
REVOLUTIONISTS

P.S. It is absurd to call us pro-German. We hate and despise German militarism more than do your hypocritical tyrants. We have more reasons for denouncing German militarism than has the coward of the White House.

A second leaflet was in Yiddish.

WORKERS—WAKE UP.

The preparatory work for Russia's emancipation is brought to an end by his Majesty, Mr. Wilson, and the rest of the gang; dogs of all colors!

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STUDENT HANDOUT: DOCUMENT D

...Workers, Russian emigrants, you who had the least belief in the honesty of our government must now throw away all confidence, must spit in the face the false, hypocritic, military propaganda which has fooled you so relentlessly, calling forth your sympathy, your help, to the prosecution of the war. With the money which you have loaned or are going to loan them, they will make bullets not only for the Germans but also for the Workers Soviets of Russia. Workers in the ammunition factories, you are producing bullets, bayonets, cannon, to murder not only the Germans, but also your dearest, best, who are in Russia and are fighting for freedom.

You who emigrated from Russia, you who are friends of Russia, will you carry on your conscience in cold blood...as a helper to choke the Workers Soviets....Will you be calm spectators to the fleecing blood from the hearts of the best sons of Russia?

...Workers, our reply to the barbaric intervention has to be a general strike! An open challenge only will let the government know that not only the Russian Worker fights for freedom, but also here in America lives the spirit of revolution.

Do not let the government scare you with wild punishment in prisons, hanging and shooting. We must not and will not betray the splendid fighters of Russia. Workers, up to fight.

Three hundred years had the Romanoff dynasty taught us how to fight. Let all rulers remember this, from the smallest to the biggest despot, that the hand of the revolution will not shiver in a fight.

Woe unto those who will be in the way of progress. Let solidarity live!

THE REBELS.

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LEARNING GROUP V:
ABRAMS V. UNITED STATES
(Primary Source)

Abrams and the co-defendants had been convicted under the Sedition Act of 1918. The Supreme Court heard the case on appeal in 1919 and in a seven to two decision ruled against the defendants. Justice Clark wrote the majority opinion:

> ***...It will not do to say...that the only intent of these defendants was to prevent injury to the Russian cause. Men must be held to have intended, and to be accountable for, the effects which their acts were likely to produce. Even if their primary purpose and intent was to aid the cause of the Russian Revolution, the plan of action which they adopted necessarily involved, before it could be realized, defeat of the war program of the United States, for the obvious effect of this appeal, if it should become effective, as they hoped it might, would be to persuade persons...not to aid government loans and not to work in ammunition factories.... (250 U.S. at 621 as cited in Chafee, Free Speech in the United States, p. 129.)***

Justice Holmes wrote the dissent with the concurrence of Justice Brandeis:

> ***...In this case sentences of twenty years imprisonment have been imposed for the publishing of two leaflets that I believe the defendants had as much right to publish as the Government has to publish the Constitution of the United States now vainly invoked by them. Even if I am technically wrong and enough can be squeezed from these poor and puny anonymities to turn the color of legal litmus paper; I will add, even if what I think the necessary intent were shown; the most nominal punishment seems to me all that possibly could be inflicted, unless the defendants are to be made to suffer not for what the indictment alleges but for the creed that they avow—a creed that I believe to be the creed of ignorance and immaturity when honestly held, as I see no reason to doubt that it was held here, but which, although made the subject of examination at the trial, no one has a right even to consider in dealing with the charges before the Court.***

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STUDENT HANDOUT: DOCUMENT E

Persecution for the expression of opinions seems to me perfectly logical. If you have no doubt of your premises or your power and want a certain result with all your heart you naturally express your wishes in law and sweep away all opposition. To allow opposition by speech seems to indicate that you think the speech impotent, as when a man says that he has squared the circle, or that you do not care whole-heartedly for the result, or that you doubt either your power or your premises. But when men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas—that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out. That at any rate is the theory of our Constitution. It is an experiment, as all life is an experiment. Every year if not every day we have to wager our salvation upon some prophecy based upon imperfect knowledge. While that experiment is part of our system I think that we should be eternally vigilant against attempts to check the expression of opinions that we loathe and believe to be fraught with death, unless they so imminently threaten immediate interference with the lawful and pressing purposes of the law that an immediate check is required to save the country. I wholly disagree with the argument of the Government that the First Amendment left the common law as to seditious libel in force. History seems to me against the notion. I had conceived that the United States through many years has shown its repentence for the Sedition Act of 1798, by repaying fines that it imposed. Only the emergency that makes it immediately dangerous to leave the correction of evil counsels to time warrants making any exception to the sweeping command, 'Congress shall make no law...abridging the freedom of speech.' Of course I am speaking only of expressions of opinion and exhortations, which were all that were uttered here, but I regret that I cannot put into more impressive words my belief that in their conviction upon this indictment the defendants were deprived of their rights under the Constitution of the United States...

250 U.S. 616 [1919] as cited in Commanger, Documents of American History, #427.

LEARNING GROUP VI:
GITLOW V. PEOPLE OF NEW YORK
(Primary Source)

Benjamin Gitlow was convicted in 1920 of violating New York's Criminal Anarchy Act and sentenced from five to ten years at hard labor. The Criminal Anarchy Act had been passed in 1902 as a result of the assassination of President McKinley and revived during the "Red Scare." The New York court held that communism was not "a condition which could be fairly regarded as an organized government" and therefore justified using the anarchy statute in charging Gitlow. Criminal anarchy was defined as: the doctrine that organized government should be overthrown by force or violence, or by assassination of the executive head or of any of the executive officials of government, or by any unlawful means. The Supreme Court heard the case on the basis of the constitutionality of the New York Criminal Anarchy Act under the Fourteenth Amendment's due process clause.

Justice Stanford wrote for the majority:

> ***...It is a fundamental principle, long established, that the freedom of speech and of the press which is secured by the Constitution, does not confer an absolute right to speak or publish, without responsibility, whatever one may choose, or an unrestricted and unbridled license that gives immunity for every possible use of language, and prevents the punishment of those who abuse this freedom....***
>
> ***That a state, in the exercise of its police power, may punish those who abuse this freedom by utterances inimical to the public welfare, tending to corrupt public morals, incite to crime, or disturb the public peace, is not open to question....***
>
> ***And, for yet more imperative reasons, a state may punish utterances endangering the foundations of organized government and threatening its overthrow by unlawful means. These imperil its own existence as a constitutional state. Freedom of speech and press, said [Justice] Story, does not protect disturbances to the public peace or the attempt to subvert the government. It does not protect publica-***

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tions or teachings which tend to subvert or imperil the government or to impede or hinder it in the performance of its governmental duties. It does not protect publications prompting the overthrow of government by force; the punishment of those who publish articles which tend to destroy organized society being essential to the security of freedom and the stability of the state. And a state may penalize utterances which openly advocate the overthrow of the representative and constitutional form of government of the United States and the several states, by violence or other unlawful means. In short, this freedom does not deprive a State of the primary and essential right of self-preservation, which, so long as human governments endure, they cannot be denied....

....That utterances inciting to the overthrow of organized government by unlawful means present a sufficient danger of substantive evil to bring their punishment within the range of legislative discretion is clear. Such utterances, by their very nature, involve danger to the public peace and to the security of the state. They threaten breaches of the peace and ultimate revolution. And the immediate danger is none the less real and substantial because the effect of a given utterance cannot be accurately foreseen. The state cannot reasonably be required to measure the danger from every such utterance in the nice balance of a jeweler's scale. A single revolutionary spark may kindle a fire that, smouldering for a time, may burst into a sweeping and destructive conflagration. It cannot be said that the state is acting arbitrarily or unreasonably when in the exercise of its judgment as to the measures necessary to protect the public peace and safety, it seeks to extinguish the spark without waiting until it has enkindled the flame or blazed into the conflagration. It cannot reasonably be required to defer the adoption of measures for its own peace and safety until the revolutionary utterances lead to actual disturbances of the public peace or imminent and immediate danger of its own destruction; but it may, in the exercise of its judgment, suppress the threatened danger in its incipiency....

We cannot hold that the present statute is an arbitrary or unreasonable exercise of the police power of the state, unwarrantably infring-

> ***ing the freedom of speech or press; and we must and do sustain its constitutionality.***

268 U.S. 652 [1925] as cited in Stanley I. Kutler, *The Supreme Court and the Constitution: Readings in American Constitutional History*, 3rd Edition, New York, W.W. Norton & Co., 1969, pp. 331-333.

Justice Holmes wrote in dissent:

> ***...It is said that his Manifesto [Gitlow's statement] was more than a theory, that it was an incitement. Every idea is an incitement. It offers itself for belief, and, if believed, it is acted on unless some other belief outweighs it, or some failure of energy stifles the movement at its birth. The only difference between the expression of an opinion and an incitement in the narrower sense is the speaker's enthusiasm for the result. Eloquence may set fire to reason. But whatever may be thought of the redundant discourse before us, it had no chance of starting a present conflagration...***

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LESSON TWO

THE CASE AGAINST THE "REDS'"

A. Objectives

1. To understand the historical context in which the "Red Scare" occurred.

2. To identify the suspected "enemies."

3. To explain the reasons given in support of Palmer's policy.

B. Lesson Activities

1. Have students present the **READERS' THEATRE** which is primarily based on an article Attorney General A. Mitchell Palmer wrote for Forum in which he explained his "Case Against the Reds." This adaptation of that article is "broken" by quotations from other sources. The quotations have not been changed, only edited for brevity.

2. You may wish to have one student read several of the smaller parts. You should also select a narrator to read the introduction and the selections quoted by Palmer in the Forum article.

3. Assign roles and give students the script the day before the lesson. Students should read over, **but not memorize**, their parts.

4. **Homework Assignment :**
Have students choose one of the following assignments:

   a. Write an analytical essay exploring the reasons behind the Red Scare and its impact on society.

b. Write a column for a local newspaper supporting or rejecting the Attorney General's policy. Include in your column references to other individuals and their attitudes toward the "Red Menace."

c. Assuming the role of a Senator facing reelection, write a speech outlining your position on this "crisis." The speech should be written in a persuasive style offering a strategy to deal with the issues raised by the Attorney General and colleagues in the Senate.

THE CASE AGAINST THE "REDS"

A. Mitchell Palmer (1872-1936), the ambitious Attorney General who launched raids against suspected radicals during the Red Scare. Library of Congress

THE CASE AGAINST THE "REDS"

Participants

NARRATOR
A. MITCHELL PALMER, *Attorney General*
SENATOR CLAYTON LUSK, *Chair of the Joint Legislative Committee to Investigate Seditious Activities in the State of New York.*
BILLY SUNDAY, *Willam Ashley "Billy" Sunday, 1862-1935; popular evangelist, played a prominent role in the prohibition and nativist movements of the early twentieth century.*
SENATOR WESLEY JONES
EDITOR OF FORUM
JOHN H. BIGELOW, *Former military officer and foreign language instructor at MIT. A leader in the democratic party.*
SENATOR BOIES PENROSE, *Republican, Pennsylvania. Served in the Senate from 1897-1921*
LYNN FORD, *Journalist*
EDITOR OF THE COURIER
M. H. KILL, *Private citizen addressing the North Dakota Association of Southern California*
SENATOR WILLIAM HENRY KING, *Democrat, Utah. Served in the Senate from 1917-1941*

NARRATOR: *President Woodrow Wilson found it difficult to tolerate vocal opposition to World War I. In his view, the war was a crusade waged to make the world safe for democracy. With his urging, Congress enacted the Espionage and Sedition Acts to secure the conformity it felt was necessary to successfully carry out the nation's war aims. Anarchists, socialists, labor agitators, and vocal pacifists were arrested, some for obstructing the sale of war bonds. Jane Addams, the celebrated social reformer and founder of Chicago's Hull House, was an outspoken critic of the war. Although not arrested, she was closely watched by federal authorities during the war years and into the early 1920s.*

Fear gripped the nation following the war. A wave of 3,600 strikes in 1919 involved some 4 million workers. The Secretary of Labor, William B. Wilson, declared that anarchists and Bolsheviks were behind the labor agitation. An economic depression in late 1918 and 1919 added to the uncertainty of the period. Returning soldiers found it difficult to obtain jobs and some blamed their unemployment on black laborers who had migrated north during the war years in search of employment. Immigrants were another target. One of the delegates addressing the 1919 American Legion Convention won thunderous applause when he remarked that radical immigrants should be "sent to hell" so that returning service men could find employment.

In 1919 a series of bombings heightened the fear of violent communist or anarchist revolution. A Quaker and noted Progressive, Attorney General Palmer responded with a series of

raids on radicals, although this could be viewed as contrary to his principles. In December, 249 aliens were deported to Russia aboard the Buford. The expression of the day was S.O.S.—"ship or shoot."

A. MITCHELL PALMER: *In this brief review of the work which the Department of Justice has undertaken, to tear out the radical seeds that have entangled American ideas in their poisonous theories, I desire not merely to explain what the real menace of communism is, but also to tell how we have been compelled to clean up the country almost unaided by any virile legislation. Though I have not been embarrassed by political opposition, I have been materially delayed because the present sweeping processes of arrests and deportation of seditious aliens should have been vigorously pushed by Congress last spring. The failure of this is a matter of record in the Congressional files.*

...In my testimony before the sub-committee of the Judiciary Committee of the Senate on July 14, 1919, at its request, I had fully outlined the conditions threatening internal revolution in the nation that confronted us. Legislation which I then recommended to meet this great menace has not been enacted. This is not my fault, for I knew that Congress was fully aware of the "Reds'" activities in this country.

SENATOR CLAYTON LUSK: *...In Rochester evidence given before the [Lusk] Committee revealed the fact that revolutionary meetings habitually had been held in the city's schoolhouses,...this having been made possible by the general opening of these public structures as civic centers, a plan which had been fostered by the best citizens of this town with the thought of the exchange of ideas resulting from such neighborhood meetings would have toward the development of good citizenship and Americanism. There is a strange and significant irony in this. At these meetings revolution was openly preached, and plans made for the wholesale distribution of a letter written by Lenine [sic.] to the American workers urging them to overthrow the government through violence.*

This is...an excellent illustration of the abuse of a commendable system adopted for the purpose of civic betterment which was intended to include the education of foreigners in Americanism....

Clayton Lusk, "Radicalism Under Inquiry", The American Review of Reviews, Vol. LXI, February 1920, p. 170.

A. MITCHELL PALMER: *...Under the appropriations granted by Congress to the Department of Justice, the maximum number of men engaged in the preparation of the violation of all United States laws is limited to about*

500 for the entire country. Startling as this fact may seem to the reader who discovers it for the first time, it is the highest testimony to the services of these men, that the Department of Justice of the Untied States, is today, a human net that no outlaw can escape. It has been netted together in spite of Congressional indifference, intensified by the individual patriotism of its personnel aroused to the menace of revolution, inspired to superlative action above and beyond private interests.

BILLY SUNDAY: *I believe the 10 million aliens in this country who have been content to seek fortune under protecting folds [of the] stars and stripes but who have refused to be assimilated should be dug up—to the last man and made to kiss [the] American flag or go back to land from which [they] came.*

McLoughlin, William G., Jr. Billy Sunday Was His Name. Chicago: University of Chicago press, 1955, pp. 278-279.

A. MITCHELL PALMER: *One of the chief incentives for the present activity of the Department of Justice against the "Reds'" has been the hope that American citizens will, themselves, become voluntary agents for us, in a vast organization for mutual defense against the sinister agitation of men and women aliens, who appear to be either in the pay or under the criminal spell of Trotzky [sic.] and Lenine [sic.].*

BILLY SUNDAY: *...This country is going to be run by Americans....Not by [a] brood of foreign vultures—smell steerage. Not by howling wolves—communists trying [to] build for themselves prosperity. Socialism is the sulphur—I.W.W. niter which radicals would mix into the T.N.T. of Rebellion and blow this Govt. into atoms. They are tunnelling under [the] Constitution. Keg powder one hand-fuse. Trying to write into our Jeffersonian Ideals of Government the God-forsaken mental and moral twists of Carl [sic.] Marx, the socialist."*

McLoughlin, William G., Jr. Billy Sunday Was His Name. Chicago: University of Chicago press, 1955, pp. 278-279.

A. MITCHELL PALMER: *Temporary failure to seize the alien criminals in this country who are directly responsible for spreading the unclean doctrines of Bolshevism here, only increased the determination to get rid of them.*

M. H. KILL: *...These murderous wild beasts of our otherwise blessed republic should be given a bottle of water and a pint of meal and shoved out into the ocean on a raft, when the wind is blowing seaward.*

Reported in the Feb 11, 1919 Los Angeles Times as cited in Nelson Van Valen "The Bolsheviki and the Orange Growers," Pacific Historical Review, Vol. XXII, No. 1 (February 1953), p. 49.

A. MITCHELL PALMER: *Obviously, their offenses were related to our immigration laws, and it was finally decided to act upon that principle. Those sections of the Immigration Law applicable to the deportation of aliens committing acts enumerated in the Senate Resolution of October 14, 1919....*

By the administration of this law deportations have been made....Although this law is entirely under the jurisdiction of the Department of Labor, it seemed to be the only means at my disposal of attacking the radical movement. To further this plan, as Congress has seen fit to refuse appropriations to the Department of Labor which might have enabled it to act vigorously against the "Reds." I offered to co-operate with the immigration officials to the fullest extent....

SENATOR PENROSE: *...I should like to inquire how these anarchists are to be sent back to the country whence they came. Will those countries be willing to take them? ...It occurred to me that we might ship them over there and the foreign country might refuse to let them get off the vessel.*

SENATOR KING: *I confess I have not given attention to the modus operandi by which that would be effectuated, but the law which we passed in October of last year provides that the Department of Labor shall deport certain classes of people, and I am sure the Department of Labor is going to act up to the letter and the spirit of that act.*

SENATOR PENROSE: *I can see how the anarchists might spend their lives going from one shore to the other.*

SENATOR KING: *He is a man without a country, anyway.*

SENATOR JONES: *...I introduced a bill...providing for the deportation of these various individuals. The Department of State seems to take a different attitude from the Department of Labor. They wrote me a letter expressing the earnest hope that this measure would not be pressed, stating that some protests had come to it from one Government, whose citizens were in this class. It seems that that Government does not want these citizens returned to its shores, and so it protested against our taking any action of that kind. I think we could find a way of getting the people out of this country, anyhow; I do not care where they go, so they get out of here.*

SENATOR PENROSE: *Where would they go?*

SENATOR JONES: *We would take them and land them on somebody else's shores.*

SENATOR PENROSE: *Send them up to the North Pole?*

SENATOR JONES: *That would be a good place. I would not worry anything about that. What I want to do and what our people want to do is to get this class of persons out of our country.*

Dialogue from the Congressional Record, 65th Congress, 3d Session, Vol. LVII (January 27-February 11, 1919), p. 3116.

A. MITCHELL PALMER: *...The "Reds"...require no defense, nor can I accept as true the counter claims of the "Reds" themselves, who apparently indifferent to their disgrace, violent in their threats against the United States Government, until they are out of sight and sound of it, betray the characterless ideas and purposes that Trotzky has impressed upon the criminal classes which constitute communism.*

Behind, and underneath, my own determination to drive from our midst the agents of Bolshevism with increasing vigor and with greater speed, until there are no more of them left among us, so long as I have the responsible duty of that task, I have discovered the hysterical methods of these revolutionary humans with increasing amazement and suspicion. In the confused information that sometimes reaches the people, they are compelled to ask questions which involve the reasons for my acts against the "Reds." I have been asked, for instance, to what extent deportation will check radicalism in this country. Why not ask what will become of the Untied States Government if these alien radicals are permitted to carry out the principles of the Communist Party as embodied in its so-called laws, aims and regulations?

There wouldn't be any such thing left. In place of the United States Government we should have the horror and terrorism of Bolsheviki tyranny such as is destroying Russia now. Every scrap of radical literature demands the overthrow of our existing government. All of its demands obedience to the instincts of criminal minds, that is, to the lower appetites, material and moral. The whole purpose of communism appears to be a mass formation of the criminals of the world to overthrow the decencies of private life, to usurp property that they have not earned, to disrupt the present order of life regardless of health, sex or religious rights. By a literature that promises the wildest dreams of such low aspirations, that can occur to only the criminal minds, communism distorts our social law.

EDITOR OF FORUM: *Someone put a tack in our swinging chair and we want to warn others, who may be as unprepared as we were, to meet the shock. There are a lot of mischievous human beings who will do this sort of thing....A man who will put a tack in the chair of an unsuspecting citizen should be punished! He seems to prefer the solid citizen for his torture to the no-account wastrel like him-*

self. It is this sort of instinct that breeds crime. The bombs that were recently sent through the mail to prominent men were sent by men who would rather put a tack in your seat then do an honest day's work. Catch a mischievous youth in time; and you will spare the community much pain. Bolshevism, humanitarian cults, cubists, radicals, faddists, emotional proletariats, are always putting tacks in the chairs of Uncle Sam—there is a remedy and it is not in the religion of tolerance. Some of the space given to proclamations and posters might be used in Warnings and Punishments awaiting mischievous boarders within our too open national house.

Forum, Vol. LXI, June, 1919, pp. 763-764

A. MITCHELL PALMER: *The chief appeal communism makes is to "The Worker." If they can lure the wage-earner to join their own gang of thieves, if they can show him that he will be rich if he steals, so far they have succeeded in betraying him to their own criminal course. Read this manifesto issued in Chicago:*

NARRATOR: [Reading from Palmer's text]*The world is on the verge of a new era. Europe is in revolt. The masses of Asia are stirring uneasily. Capitalism is in collapse. The workers of the world are seeing a new light and securing new courage. Out of the night of war is coming a new day.*

The spectre of communism haunts the world of capitalism. Communism, the hope of the workers to end misery and oppression.

The workers of Russia smashed the front of international Capitalism and Imperialism. They broke the chains of the terrible war; and in the midst of agony, starvation and the attacks of the Capitalists of the world, they are creating a new social order.

The class war rages fiercely in all nations. Everywhere the workers are in a desperate struggle against their capitalist masters. The call to action has come. The workers must answer the call!

The Communist Party of America is the party of the working class. The Communist Party proposes to end Capitalism and organize a workers' industrial republic. The workers must control industry and dispose of the product of industry. The Communist Party is a party realizing the limitation of all existing workers' organizations and proposes to develop the revolutionary movement necessary to free the workers from the oppression of Capitalism. The Communist Party insists that the problems of the American worker are identical with the problems of the workers of the world.

A. MITCHELL PALMER: *These are the revolutionary tenets of Trotzky and the Communist Internationale. Their*

manifesto further embraces the various organizations in this country of men and women obsessed with discontent, having disorganized relations to American society. These include the I.W.W.'s, the most radical socialists, the misguided anarchists, the agitators who oppose the limitations of unionism, the moral perverts and the hysterical neurasthenic women who abound in communism. The phraseology of their manifesto is practically the same wording as was used by the Bolsheviks for their International Communist Congress.

LYNN FORD: *Let there be no misunderstanding of the fact that the worst of Bolshevism and I.W.W.ism [sic.] are identical. It will be largely to the foreigner speaking an alien tongue that the appeal will be made. We have been remiss in devising effective means and urging the education of the aliens among us. The need has been made plain in may ways but in none having a more vital bearing upon our security than the readiness with which this element of our population embraces the teachings of the I.W.W.*

Lynn Ford, "The Growing Menace of the I.W.W.," Forum, Vol. LXI, Jan., 1919, p. 70.

A. MITCHELL PALMER: *...The dangerous fact to us is that the Communist Party of America is actually affiliated and adheres to the teaching program and tactics of the 3d Internationale. Consider what this means.*

The first congress of the Communist Nationale held March 6, 1919, in Moscow, subscribed to by Trotzky and Lenine, adopted the following:

NARRATOR: [Reading from Palmer's text] *"This makes necessary the disarming of the bourgeosie at the proper time, the arming of the laborer, and the formation of a communist army as the protectors of the rules of the proletariat and the inviolability of the social structure."*

A. MITCHELL PALMER: *When we realize that each member of the Communist Party of America pledges himself to the principles above, set forth, deportation of men and women bound to such a theory is a very mild refomatory sentence.*

COURIER EDITORIAL: *...The government...plan of picking up foreigners who are agitating labor troubles and sending them out of the country...may look hard, but we are really at war with Russian Bolshevism and it is right that they be deported....At present the outside world is in an uproar, and we do not want that uproar here. It is dangerous.*

Editorial, The Courier, "Keep Out Foreigners," February 13, 1919; as cited in Nelson Van Valen "The Bolsheviki and the Orange Growers," Pacific Historical Review, Vol. XXII, No. 1 (February 1953), p. 49.

STUDENT HANDOUT: READERS' THEATRE

A. MITCHELL PALMER: *...It has been inferred by the Reds that the United States Government, by arresting and deporting them, is returning to the autocracy of Czardom, adopting the system that created the severity of Siberian banishment. My reply to such charges is, that in our determination to maintain our government we are treating our alien enemies with extreme consideration. To deny them the privilege of remaining in a country which they have openly deplored as an unenlightened community, unfit for those who prefer the privileges of Bolshevism, should be no hardship.*

BILLY SUNDAY: *I would stand everyone of the ornery, wild-eyed I.W.W.'s anarchists, crazy Socialists, and other types of Reds up before a firing squad and save space on our ships.*

McLoughlin, William G., Jr. Billy Sunday Was His Name. Chicago: University of Chicago press, 1955, pp. 276.

A. MITCHELL PALMER: *It strikes me as an odd form of reasoning that these Russian Bolsheviks who extol the Bolshevik rule, should be so unwilling to return to Russia. The nationality of most of the alien "Reds' is Russian and German. There is almost no other nationality represented among them.*

JOHN. H. BIGELOW: [placing Palmer's name in nomination at the Democratic Convention of 1920] *Your candidate...must be the embodiment of your freedom and the exemplar of your liberties. He must be the intrepid defender of your institutions, a courageous crusader in the cause of law and order....True Americanism must be on guard....To entrust that heritage to the man I name will be to preserve it....His lance is that of law; his shield is that of justice, and Democracy again triumphs led and inspired by Pennsylvania's noblest product, whom I now name for the Presidency of these United States—A. Mitchell Palmer.*

Democratic National Convention of 1920 Official Proceedings (Indianapolis: Brookwalter Ball Printing Co., 1920, 115-118 as cited in Donald Johnson, "The Political Career of A. Mitchell Palmer," Pennsylvania History, Vol. XXV, No. 4 (Oct, 1958), p. 367.

A. MITCHELL PALMER: *It has been impossible in so short a space to review the entire menace of the internal revolution in this country as I know it, but this may serve to arouse the American citizen to its reality, its danger, and the great need of united effort to stamp it out, under our feet, if needs be. It is being done. The Department of Justice will pursue the attack of these "Reds" upon the Government of the United States with vigilance, and no alien, advocating the overthrow of existing law and order in this country, shall escape arrest and prompt deportation.*

STUDENT HANDOUT: READERS' THEATRE

It is my belief that while they have stirred discontent in our midst, while they have caused irritating strikes, and while they have infected our social ideas with the disease of their own minds and their unclean morals, we can get rid of them! Not until we have done so shall we have removed the menace of Bolshevism for good."

Adapted from A. Mitchell Palmer. Forum, LXIII: 174.

LESSON THREE

THE COURAGE OF THEIR CONVICTIONS

A. Objectives

1. To explore the reasoning behind opposition to the "Red Scare."

2. To analyze the risks and value of dissent in a free society.

B. Lesson Activities

1. Begin the class with a short segment of the movie "Reds." Introduce the movie by giving a brief account of John Reed's politics and his reports on the Bolshevik Revolution during his stay in Russia. Show the clip of Reed's departure for Russia leaving Louise Bryant behind. Members of the Justice Department "break into" a house on orders from the Attorney General A. Mitchell Palmer. It is a brief but powerful portrayal of the "Palmer Raids."

2. Conduct a brief discussion of the film clip; urge students to relate the film to documents of the previous two days.

3. Begin a brainstorming session using the following statement as the issue:

   Recognizing the need to "insure domestic tranquility," how would you react to Attorney General Palmer and the general public's attitude toward dissent.

4. List student comments in a standard "brainstorm" technique. Have students read **DOCUMENTS G** through **L**. Use one of the following methods to read

and report on the documents:

a. Individual reading.

b. Collaborative learning group readings.

c. Jig-saw.

5. After general reports on the documents, have students evaluate the comments that were recorded in the "brainstorming" session.

6. For homework, have students draw a political cartoon based on one of the readings. (Emphasize that the cartoon need not be the "work of an artist." Students may wish to draw "stick figures" and explain the concept of their original cartoon.)

STUDENT HANDOUT: DOCUMENT G

J.P. TUMULTY'S LETTER TO PRESIDENT WILSON
(Primary Source)

J. P. Tumulty, a friend and White House advisor, wrote a letter to President Wilson on May 8, 1917 warning about the Espionage Act.

> *The path of the Espionage Bill will be made more difficult by the memorandum issued yesterday at the State Department and distributed broadcast, warning all officials not to talk with newspapermen "even on insignificant matters of fact or detail."*
>
> *I know how strongly you feel on the matter of a strict censorship but I would not be doing my full duty to you and the Administration if I did not say to you that there is gradually growing a feeling of bitter resentment against the whole business, which is daily spreading. The experience of the Administration of President Adams in fostering the Alien and Sedition Laws bids us beware of this whole business. Of course there is a great difference between the situation which confronts us and that which confronted some of your predecessors; but the whole atmosphere surrounding the Espionage Bill is hurtful and injurious, because of the impression which has gained root with startling intensity that the bill is really a gigantic machine, erected for the despotic control of the press and that the power provided for in the bill must of necessity be delegated by the President and that the press will be controlled by a host of small bureaucrats who will interpret the president's instructions according to their own intellects.*
>
> *I have gathered during the last week editorial comment from various journals throughout the country which have been our firmest supporters and they are unanimous in condemning what they consider to be the unjust features of this legislation.*
>
> *...I beg to call your attention to the final paragraphs of the editorial written by one of the wisest political observers in the country who writes under the name of "Uncle Dudley" for the Boston Daily Globe. He says:*

'The American people could not long endure the necessary war-time conscription of men and property, if the truth were also conscripted. They are the greatest reading public in the world. For nearly three years they have heard every account of the war which the papers could secure for them. They could not stand a shutdown of news just as they enter the war themselves.'

'The American people are called to a mighty effort to save the world from an attempt at autocratic domination. Great sacrifices are before them. They are ready to endure whatever is necessary for the work in hand. But if they are to try their hardest, they must know that no effort is wasted; that public offices are administered with faith and efficiency. Public judgment must be passed on those who are weak and those who are strong in the Government. When a department requires reorganization, the people must know it, other wise it might not be reorganized.

"In fighting for the truth, democracy must know the truth. The more completely the attempt to censor the press is killed, the better for the cause of freedom. The press has no desire to expose military secrets. It wants America to win." I also beg to call your attention to an excerpt from the life of John Adams,

> *"The two grand blunders of the Federal party were committed in these same moments of heat and blindness; these were the famous Alien and Sedition Acts. No one has ever been able heartily or successfully to defend these foolish outbursts of ill-considered legislation which have to be abandoned, by tacit general consent, to condemnation. Every biographer has endeavored to clear the fame of his own hero from any complicity in the sorry business, until it has come to pass that, if all the evidence that has been adduced can be believed, these statutes were foundlings, veritable <u>filii nullius</u>, for whom no man was responsible. But Mr. Adams, it must be acknowledged, did not strangle these children of folly; on the contrary, he set his signature upon them; a little later he*

even expressed a 'fear' that the Alien Act would not 'upon trial be found adequate to the object intended,' and many years afterward, by which time certainly he ought to have been wiser, he declared, without repentance, that he had believed them to be 'constitutional and salutary, if not necessary'."

Sincerely yours, Tumulty

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STUDENT HANDOUT: DOCUMENT H

REACTIONS OF JANE ADDAMS AND ROBERT LAFOLLETTE
(Primary Sources)

Jane Addams writing in *Peace and Bread* describes the era.

> ***"...It was a period of pronounced reaction, characterized by all sorts of espionage, of wholesale raids, arrests and deportations. Liberals everywhere soon realized that a contest was all over the world for the preservation of that hard won liberty which...had come to mean to the civilized world not only security in life and property but in opinion as well. Many people had long supposed liberalism to be freedom to know and to say, not what was popular or convenient or even what was patriotic, but what they held to be true. But those very liberals came to realize that a distinct aftermath of the war was the dominance of the mass over the individual to such an extent that it constituted a veritable revolution in our social relationships...."***

Addams, Jane. *Peace and Bread in Time of War and Patriotism and Pacifists in War Time*. New York: Garland Publishers, 1972. p. 182.

On February 2, 1919 Louise Bryant spoke in Washington attacking Woodrow Wilson's refusal to recognize the Soviet government. On February 4, Senator Robert LaFollette wrote to his family...

> ***"The Senate frothed at the mouth today for a couple of hours...[and] then passed viva voce a resolution for the famous or infamous Sub Committee of the Judiciary of the Senate to investigate the meeting [to which Louise Bryant spoke].... But just think of it—Senators taking the ground that any criticism of our government is an effort to 'overthrow' the government!"***

Belle Case and Fola LaFollette, *Robert M. LaFollette*. vol. 2. New York: Macmillan Co., 1953. p. 938.

STUDENT HANDOUT: DOCUMENT H

Robert LaFollette submitted a Progressive Party Platform to the Republican National Convention of 1920 which was soundly rejected. The following excerpts from the LaFollette Platform are a reaction to the "Red Scare."

> *"...IV. We demand the immediate restoration of free speech, free press, peaceable assembly, and all civil rights and liberties guaranteed by the Constitution. We favor the repeal of the Espionage and Sedition Act, and denounce the attempt to write such laws into the permanent statutes of the country.*
>
> *V. We oppose all legislation conferring upon the Postmaster General, or any other governmental agency, the power to deny the mailing privilege to any person without judicial hearing, and the right to appeal.*
>
> *...VII. We oppose the exiles of any person lawfully admitted to this country, except for crime fixed by law, and then only upon trial and conviction by jury.*

LaFollette, Robert M. (compiled by Ellen Torelle). *The Political Philosophy of Robert M. LaFollette As Revealed in His Speeches and Writings.* Madison, Wisconsin: The Robert M. LaFollette Co., 1920. pp. 417-418.

THREATENED IMPEACHMENT OF SECRETARY POST
(Secondary Source)

The strength of the feeling against Mr. Post, Assistant Secretary of Labor, was seen in a resolution offered in the House on April 15 by Representative Hoich, Republican, of Kansas, asking the Judiciary Committee to investigate the charges against the Assistant Secretary made by Chairman Johnson, head of the House Immigration Committee, and many others, and recommending that, in case the evidence warranted it, a resolution be reported impeaching him for disloyally favoring the Reds.

A series of hearings resulting from Representative Hoich's resolution was begun on April 27. At one session it was stated that the charges were made largely on the basis of the Immigration Committee's report. Many hundreds of aliens taken under the law for deportation had been released, in many cases without investigation and over the head of the Immigration Commissioner. Representative Rodenburg of Illinois blamed Secretary of Labor, William B. Wilson severely for not removing Mr. Post from office. At another session the counsel for the Assistant Secretary countered with the charge that Mr. Post had merely exercised humanity, while the "justice officers used worse than Russian methods." Chairman Johnson testified that the action of Mr. Post had greatly hampered the work of the Department of Justice, and had brought about a state of indescribable confusion, by which only the Red agitators would be the gainers.

It was stated on May 1 that the House Rules Committee would abandon the impeachment proceedings and would substitute a resolution condemning Mr. Post for his alleged activities on behalf of the enemies of the United States.'

Mr. Post's Testimony:

Both Secretary Wilson and Mr. Post were attacked at a special meeting of the Senate Immigration Committee on May 6. Mr. Post appeared on his own behalf on May 7 and 8. He declared that the evidence presented against him was insufficient to prove the case. Statistics presented by him showed that exclusive of those deported on the Buford, only twenty-two aliens had been deported since Nov. 1, 1919....

STUDENT HANDOUT: DOCUMENT I

Of all those arrested by the Department of Justice, said Mr. Post, he had found that only forty or fifty actually favored violence against the United States. He had supported, however, the ruling of Secretary Wilson that membership in the Communist Party justified deportation. On the following day he denied sympathy for the Reds, and justified the receipt of a letter from Emma Goldman on behalf of those accused—in which she addressed him as "our friend"—on the ground that she wrote to him merely as a constituent writing to a Member of Congress. His reduction of bail to $1,000, he declared, followed the constitutional prohibition of excessive bond, and was sufficient to insure the appearance of the accused without keeping him locked up.

Mr. Palmer's Rejoinder:

The Attorney General replied to Mr. Post's criticism of his department in testimony given before the House Rules Committee on June l. He declared that Mr. Post had set himself above Congress and the law in his handling of the deportation cases. The labor official practically encouraged Red activities, he asserted; believing that the deportation law was wrong, he deliberately disregarded it in releasing dangerous radicals....

Attack on the policy of the Department of Justice was not confined to Mr. Post. The National Popular Government League on May 27 issued a manifesto denouncing "the illegal practices of the United States Department of Justice." The document was signed by twelve prominent attorneys, including Zachariah Chafee, Jr., Roscoe Pound and Felix Frankfurter of Cambridge, and Jackson P. Ralston of Washington. Charges of cruelty and theft were supported by hundreds of affidavits and other exhibits. The treatment of radicals in the steel and coal strikes in Hartford, Buffalo, Detroit and New York City was declared to have been "shocking" and brutal. The raid on the Russian People's House in New York last November was denounced at length. One passage read as follows:

> ***"American institutions have not, in fact, been protected by the Attorney General's ruthless suppressions. On the contrary, those institutions have been seriously undermined and revolutionary unrest vastly intensified. No organization of radicals acting through propaganda over the last six months could have created as much***

revolutionary sentiment in America as has been created by the acts of the Department of Justice itself."

The American Woman's Committee announced on May 31 that it would send representatives to Washington to appeal for a Congressional investigation of the Department of Justice. The committee criticized particularly the separation of the arrested aliens from their wives and children, reiterated the charges of cruelty and indorsed the attitude of the Assistant Secretary [Post]....

"Dealing With 'Red' Agitators," The New York Times Current History Magazine, Vol. XII, No. 4. July, 1920: 700-702.

STUDENT HANDOUT: DOCUMENT J

AMOS PINCHOT'S LETTER TO PRESIDENT WILSON
NEW YORK, MAY 24, 1918
(Primary Source)

Amos Pinchot sent a letter to President Wilson in defense of men charged with violation of the Espionage Act. The first trial of the defendants ended in a hung jury (ten for conviction, two opposed). The Assistant U.S. Attorney General immediately filed for a new trial.

My dear Mr. Wilson:

It is hard for me to write impartially about the second trial of the Masses editors. Three of the defendants accused of conspiracy are my close personal friends. And my judgment, as to the general wisdom of continuing such a prosecution, cannot but be affected by the horror I feel at the possibility of seeing these men broken and embittered by a conviction of a crime, of which I know they are neither technically nor morally guilty.

...Max Eastman, Art Young, John Reed and the others are not guilty. I listened to most of the trial myself and read a good deal of the record; and I know, as a lawyer who has tried many criminal cases, that evidence proving the charges of the indictment was quite lacking. After both sides had summed up a distinguished professor of law, who sat in the court room throughout the entire trial, said to me that there was not a shred of evidence to substantiate the conspiracy charge....

To me, this sort of thing—the attempt by the government to convict innocent men of crimes as a part of the routine of carrying on a war for justice—is infinitely horrible....

These are the men whom the government is following up as if they were the most hardened criminals. They are being put on trial again on an indictment unsustained by evidence, and with, as the mainstay of conviction, the atmosphere of fear and hysteria which envelopes every jury that in war time is called upon to deal with those accused

of disloyalty....

I believe Mr. President that, in view of the circumstances of this case, the prosecution should be dropped. Not to drop it is unjust not only to the defendants, but to the integrity of the government. It could be called off without publicity by a series of postponements, ending at length in a dismissal.

Very sincerely yours,
Amos Pinchot.

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STUDENT HANDOUT: DOCUMENT K

UPTON SINCLAIR'S LETTER TO PRESIDENT WILSON PASADENA CALIFORNIA, AUGUST 7, 1918

(Primary Source)

Upton Sinclair, who served the administration in making public addresses in opposition to German aggression, wrote to President Wilson regarding "political prisoners." His letter was sent to Secretary of War, Newton D. Baker, for reply. Sinclair followed with a second letter to the President further explaining his position and indicating Baker's apparent misinterpretation of his original letter. Sinclair desired that "political prisoners" be held in minimum security areas and be given some form of service work to occupy their time.

My dear President Wilson:

I thank you for sending me the letter from Secretary Baker dealing with my suggestions concerning "political prisoners." Mr. Baker discusses principally the matter of conscientious objectors, and it may not be clear as to just what persons I have reference to. I do not refer to men of draft age who have refused military service. The arrangements you have made concerning them are as fair as I could ask. The people I have reference to are those who are in jail for violation of the Espionage Laws, by carrying on propaganda against the draft or against our participation in the war. I exclude all those who may have been plotting with the enemy, or who may have used violence of any sort. My reference is to persons whose opposition has been openly and honestly expressed, and is based upon religious and humanitarian grounds; and my purpose is to suggest that you should display toward them the same kind of enlightened humanity which you have displayed in the case of those who have refused military service.

...The reason for my appeal to you is that I am defending the liberality of the American government as against the German government, among radicals and social revolutionists, not merely of America, but of Europe as well; and I can not carry on this propaganda with success, so long as there is any circumstance in which I have to admit that German practice may be more liberal than American. I am sure

you will understand this point without further elaboration. I know that you wish to be as liberal as possible, consistent with the winning of the war, with less expenditure of government money and time, and less embitterment and political opposition.

Very sincerely,
Upton Sinclair

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STUDENT HANDOUT: DOCUMENT L

LITERARY DIGEST ARTICLE ON SECRETARY POST
MAY 22, 1920
(Primary Source)

Let an administration try to be radical at one end and conservative at the other, and confusion is the natural result, unsympathetically remark several Republican dailies as they observe the Departments of Justice and Labor at loggerheads over the proper ways and means of handling alien "reds." The Democratic New York Times beholds the "too frequent differences" with regret, while the Republican Boston Transcript declares that a clash between the two departments over the Administration policy towards aliens, radicals, and revolutionaries "weakens tremendously the prestige of the Government and undermines its influence, especially among the foreign-born." When it considers how many arrests are made by the Attorney-General's subordinates and how few aliens are sentenced to deportation after Assistant Secretary of Labor Post has examined the cases, "the only possible conclusion," in the opinion of the Indianapolis News, "is that the Department of Justice has urged the deportation of many innocent persons or else that the Department of Labor has stood in the way of the deportation of those who had forfeited their right to remain in the country." Chairman Johnson, of the House Immigration Committee, is indignant that Mr. Post cancelled so many deportation warrants. The public, he says, "is seeing its laws violated by public officials in behalf of aliens who have contempt for this Government, who are here trying to overthrow it, and who are in league with similar revolutionists throughout the world." Another Congressman has offered a resolution providing for an investigation of the charges that Mr. Post "has in the discharge of his official duties...flagrantly abused his power in connection with the deportation of alien enemies of the country," and has thus pursued "a policy subversive of the welfare, the peace and the dignity of the United States"—with a view to impeachment if the charges are sustained. ...The Post policies, says the Seattle Times, "are being hotly criticized by patriotic men and organizations all over the country." And the Portland Oregonian, in an editorial entitled "Post, Protector of the Reds," concludes: "He should be impeached, for morally he is more guilty than the men he sets free to stir up revolution."

But, we find many dailies and weeklies convinced that Mr. Post has only done his duty in carefully scrutinizing all the cases brought before him and only allowing the deportation of those aliens whom he considers really dangerous.

STUDENT HANDOUT: DOCUMENT L

Mr. Post, says Francis F. Kane, in the Survey, "has kept his head clear and his heart true in the midst of an epidemic of hysteria and panic fear," and "when America recovers her sanity she will recognize the fidelity and courage he has shown...."

Mr. Post himself told the Committee in Washington that he is "utterly out of sympathy" with philosophical anarchists and advocates of change by physical force. He declares that all he tried to do in the deportation cases "was to find out whether the alien was guilty or not guilty." Mr. Post pointed out that 263 deportations have been made among the 762 ordered during the last six months, and that lack of transportation to Russia was mainly responsible for the delay. Between November l, 1919, and April 24 of this year, according to Mr. Post, 5,351 deportation warrants were issued against aliens; 1,293 were canceled, including those of sixty-one Russian workers and 1,232 Communists. Mr Post's policy is clearly outlined in a memorandum on one of the cases in which he canceled a warrant for deportation based on membership in the radical Communist party:

"In some cases the membership is 'automatic,' the arrested alien having been transferred from a lawful organization to the unlawful one by vote of a group or branch of the former and without his knowledge. In some cases he has had knowledge of the transfer, but none at all of the character of the organization to which he has been transferred. In other cases he has signed applications before the existence of the unlawful organization and has never confirmed his membership by any conscious act. ...Many of them...have native born children. It is pitiful to consider the hardships to which they and their families have been subjected by arbitrary arrest, long detention in default of bail beyond the means of hard-working wage-earners to give, for nothing more dangerous than affiliating with friends of their own race, country, and language, and without the slightest indication of sinister motive or any unlawful act within their knowledge or intention."

While proceedings to impeach Mr. Post are under consideration by one Congressional committee, efforts are being made says a Washington correspondent...to get another committee to investigate publicly the Department of Justice's methods in its wholesale arrests of radicals....

"Justice for Alien 'Reds'," The Literary Digest, LXV, No. 8 (May 22, 1920), p. 25.

LESSON FOUR

ROLE PLAYING: A MEETING OF THE MINDS

A. Objective

1. To have students demonstrate their understanding of the period through a "performance" in which they respond to questions, assuming the role of an assigned individual.

B. Lesson Activities

1. Select four individuals from any of the readings (**DOCUMENTS G** through **L**) or from text accounts of the era. Divide the class into groups of no more than five persons. Assign each student in the group a different individual. The fifth person in the group should be designated as the moderator. The moderator's role will be to formulate questions of a panel of "distinguished" guests. Permit approximately 30 minutes for the "Meeting of the Minds" exercise. Spend the remainder of the class period in general de-briefing. You may wish to select one of the panels for a video presentation to have presented to another history class or sent to a "feeder" junior high and have the students present a lesson on the post World War I "Red Scare" incorporating the video of the "Meeting of the Minds" exercise.

C. Extended Activities

1. After studying the decade of the 1940's and the McCarthy era have students write an essay on the following topic:

   In what way(s) was each of the following a reflection of the same interests or attitudes of the 1919-1920 "Red Scare?"

a. Relocation of Japanese-Americans (1942-1945)

c. Taft-Hartley Act (1947)

b. McCarran-Walter Act (1952)

d. McCarthyism (beginning in the late 1940's)

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1. Chafee, Zechariah, Jr. *Free Speech in the United States*. Cambridge: Harvard University Press, 1954. This is an excellent source book on the political and constitutional history of the United States from 1917 to the early 1950s.

2. Coben, Stanley. *A. Mitchell Palmer: Politician.* New York: DaCapo Press, 1972. A good biography of Palmer. Coben gives a thorough appraisal of the man and the motives behind the "Red Scare." This biography may be recommended for students reading at grade level.

3. Higham, John. *Strangers in the Land: Patterns of American Nativism, 1860-1925*. New Brunswick, N.J.: Rutgers University Press, 1955. Chapter 8, "War and Revolution" has a good general overview of the Red Scare. Chapter 9, "Crusade for Americanization," gives a good view of the restrictive immigration legislation that was one of the results of the Red Scare.

4. Lewis, Sinclair. *Babbitt*. This novel helps to convey the mood of the era. There are some references to the turmoil of the early 20s.

5. Link, Arthur S. (ed). *The Impact of World War I*. New York: Harper & Row, 1969. This short collection of essays edited by the noted Wilson scholar presents two exceptional short readings by John Hope Franklin, "Postwar Upheaval: Racism and Riots;" and Stanley Coben, "Postwar Upheaval: The Red Scare." Coben, the biographer of Palmer, gives a brief overview of the material presented in the biography.

6. Murray, Robert K. *Red Scare: A Study in National Hysteria, 1919-1920*. Minneapolis: University of Minnesota Press, 1955. This book is a classic study of the Red Scare. Although dated it is an excellent source book.

7. Perrett, Geoffrey. *America in the Twenties.* New York: Simon & Schuster, Inc., 1983. Perrett's work is stimulating reading. Highly recommended for students; a copy should be in every high school library. The work is written in much the same style as Allen's Only Yesterday; however, it gives a better view of the history of the decade. Chapters 3 and 4, "The Red and The Black" and "Return of the Nativist" set the mood for the period.

8. Scheiber, Harry N. *The Wilson Administration and Civil Liberties, 1917-1921*. Ithaca: Cornell University Press, 1960. A short, but excellent account of censorship and civil liberties during the Wilson era. The work parallels Chafee's study on the Wilson era, but does not give the detail.

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